

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/9/2020

CAROLINE SIMON, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

ULTIMATE FITNESS GROUP, LLC d/b/a
ORANGETHEORY FITNESS, EPOC UWS LLC,
FITNESS ADVOCATE LLC, ADAM KRELL,
and DOES 1 through 10, inclusive, and each of
them,

Defendant.

Civil Case No.: 19-cv-00890-CM

MEMO ENDORSED

**DEFENDANT EPOC UWS LLC'S NOTICE OF MOTION TO STAY
PROCEEDINGS PENDING SUPREME COURT'S RULING IN *FACEBOOK V. DUGUID*
OR, IN THE ALTERNATIVE, CONTINUING ALL DEADLINES FOR 120 DAYS**

PLEASE TAKE NOTICE that, pursuant to Local Rules 6.1 and 7.1 of the United States District Court, Southern District of New York, and upon the accompanying Memorandum of Law, the Request for Judicial Notice, and the Declaration of Nina D. Boyajian, as well as all prior papers and proceedings herein, Defendant EPOC UWS LLC ("Defendant"), by and through its undersigned counsel, will and hereby moves this Court, before the Honorable Colleen McMahon at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 24A, New York, New York 10007, at a date and time to be set by the Court, for entry of an Order temporarily staying this case pending a ruling by the Supreme Court of the United States in *Facebook v. Duguid*, No. 19-511 (U.S. cert granted July 9, 2020). In the alternative, Defendant seeks a 120-day continuance of all deadlines set forth in the Court's July 8, 2020 Case Management Order (Dkt.

9/9/2020
The motion for stay is DENIED, the court is recommending to stay the case. It will not be tried before Duguid is heard. There is no forum in going forward.
The motion & 4th deadline

Clark to mark motion
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No. 58) to allow Defendant sufficient time to fully investigate Plaintiff's claims and prepare this case for trial.

Date: July 29, 2020

GREENBERG TRAURIG, LLP

By: /s/ Justin A. MacLean

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